

TENTATIVE RULINGS

CHILD SUPPORT CALENDAR

Date: 4/03/13

Wednesday

Dept.: 4

(Posted 4/02/13)

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Each matter on calendar will be called and parties are expected to attend. For those matters where the parties are not ordered to appear and either the parties agree or no objection is made at the hearing, the Court routinely adopts the tentative ruling as the ruling in the matter.

For privacy purposes, on the publicly posted version of this document, the parties' last names have been replaced by keeping only the first letter followed by three x's (example, John Doe = John Dxxx).

1. **8:30 AM** Case: CV32153 [S] Dxxx v Kxxx
Type: ESTABLISH PARENTAL RELATIONSHI Date Filed: 11/08/05
Priority Info: 170.3 JEM; CONF; LEAD CASE
Event: REVIEW ON SEEK WORK EFFORTS

Tentative Ruling: Provided the obligor has shown compliance with the court's prior orders to pay support (\$80/mo.) or seek work (20 contacts/mo.), the prior orders remain in full force and effect. The Support Agency is to release its hold on the obligor's driver's license for each month the obligor pays \$80. A future court date to review compliance is set for Dept. 4 at 8:30AM on 7/3/13.

2. **8:30 AM** Case: FL23577 [S] Axxx v Axxx
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 12/20/96
Event: REVIEW ON SEEK WORK EFFORTS & PAYMENTS

Tentative Ruling: Provided the obligor has shown compliance with the court's prior orders to seek work (10 contacts/mo.), the prior orders remain in full force and effect. The Support Agency is to release its hold on the obligor's driver's license for each month the obligor pays \$45. A future court date to review compliance is set for Dept. 4 at 8:30AM on 8/7/13.

3. **8:30 AM** Case: CV32698 [S] COUNTY OF CALAVERAS v Nxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 05/30/06
Event: CSCSA'S OSC RE SEEK WORK

Tentative Ruling: The motion to seek work is granted as prayed for. The obligor is ordered to seek work (20 contacts/mo.) and submit proof of compliance on the form provided by the agency. A future court date to review compliance is set for Dept. 4 at 8:30AM on 7/3/13.

4. **8:30 AM** Case: CV21385 [S] COUNTY OF CALAVERAS v Dxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 02/01/95
Priority Info: 170.3 JEM
Event: CSCSA'S MOTION RE SEEK EMPLOYMENT; \$69K

Tentative Ruling: The motion to seek work is granted as prayed for. The obligor is ordered to seek work (20 contacts/mo.) and submit proof of compliance on the form provided by the agency. A future court date to review compliance is set for Dept. 4 at 8:30AM on 7/3/13.

5. 8:30 AM Case: FL19033 [S] Bxxx v Bxxx
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 03/01/93
Priority Info: CONS'D W/CV20064; FL19033 LEAD
Event: CSCSA'S OSC RE SEEK WORK

Tentative Ruling: The motion to seek work is granted as prayed for. The obligor is ordered to seek work (20 contacts/mo.) and submit proof of compliance on the form provided by the agency. A future court date to review compliance is set for Dept. 4 at 8:30AM on 7/3/13.

6. 8:30 AM Case: 12CS38987 [S] COUNTY OF MARIPOSA v Wxxx
Type: REGISTRATION CALIF SUPPORT ORD Date Filed: 12/21/12
Event: CSCSA'S MOTION RE MODIFICATION OF CHILD SUPPORT (FR \$244 TO ZERO)

Tentative Ruling: The Child Support Agency has requested a modification of the child support order. The Agency has the burden of showing changed circumstances since the last support order. The moving party has met the initial burden on the motion. Absent objection and contrary evidence by the parties, the court will grant the modification as outlined in the Agency pleading (CS=\$0) effective 1/1/13.

7. 8:30 AM Case: CV33154 [S] COUNTY OF CALAVERAS v Pxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 11/02/06
Event: OTHER PARENT'S REQUEST FOR MODIFICATION OF CHILD SUPPORT

Tentative Ruling: The Other Parent has requested a modification of the child support order. The prior order was a stipulation under Fam. § 4065 and no changed circumstances need be shown for modification. The Agency indicates each party's household is receiving cash assistance. Defendant has not filed a timely Income and Expense Declaration in opposition to the motion. In lieu of imputing income to defendant and establishing a support amount, the defendant is ordered to seek work (20 contacts/mo.) and submit proof of compliance on the form provided by the agency. The motion to modify support is continued and jurisdiction to order support back to the date the motion was filed is reserved until the next hearing. If defendant fails to provide both a completed Income and Expense Declaration and proof of good faith job search efforts, the court will impute earning ability to defendant and set support accordingly. A future court date for modification of support and to review compliance is set for Dept. 4 at 8:30AM on 6/12/13.

8. 8:30 AM Case: 12CS38911 [S] COUNTY OF CALAVERAS v Axxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 11/15/12
Event: CSCSA'S MOTION RE JUDGMENT ON CHILD SUPPORT & HEALTH CARE

Tentative Ruling: Parentage was established in case CV31265. The Other Parent is added as a party to the action. The requested health insurance and uninsured medical costs orders will issue. Child support is set at \$64 (per calculation in First Amended Complaint) effective 12/1/12.

9. 8:30 AM Case: 13CS39026 [S] COUNTY OF CALAVERAS v Hxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 01/16/13
Event: CSCSA'S MOTION RE JUDGMENT ON PARENTAGE, CHILD SUPPORT & HEALTH CARE

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, must appear.

10. 8:30 AM Case: CV30584 [S] COUNTY OF CALAVERAS v Bxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 05/07/04
Event: CSCSA'S MOTION RE MODIFICATION OF CHILD SUPPORT (FR \$123 TO ZERO)
AND FOR EQUITABLE ADJUSTMENT

Tentative Ruling: The Child Support Agency has requested a modification of the child support order. The Agency has the burden of showing changed circumstances since the last support order. The moving party has met the initial burden on the motion. Absent objection and contrary evidence by the parties, the court will grant the modification as outlined in the Agency pleading (CS=\$0) effective 3/1/13. The requests for equitable adjustments are granted for Brendan's support owed from 11/1/11 to the present and for Autumn's support owed from 2/1/12 to the present.

11. 8:30 AM Case: CV16850 [S] COUNTY OF CALAVERAS v Pxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 11/13/90
Event: MOTION ON CLAIM OF EXEMPTION

Tentative Ruling: There is no Tentative Ruling on this case. The defendant, and their legal counsel if represented, must appear.

12. **10:30 AM** Case: 10FL36385 [S] Yxxx v Yxxx
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 01/15/10
Event 1: CSCSA'S MOTION: DETERMINATION OF ARREARS
Event 2: RESP'S REQUEST TO STAY WAGE ASSIGNMENT
05/20/13 1:30 4 CASE MANAGEMENT CONFERENCE ON RESP'S REQUEST
FOR ORDER TO STRIKE ARTICLE III OF MSA

Tentative Ruling: (1) The Agency has requested a determination of arrears as the parties do not agree as to the effective child support obligation given the conditional nature of the child support order. As the child support order is \$1,500 to be reduced to \$1,000 if Maria spends "more than 55% of the time" in any given month in her father's care, it is the party seeking to reduce the support to \$1,000 in any given month that has the burden of proof. The matter is set for a 1½ hour evidentiary hearing to determine relevant facts in dispute. That hearing is set for 6/12/13 at 10:30 AM (The clerk is directed to set no other matters at that time.) (2) Respondent requests a stay on the wage assignment order as its existence tends to damage his professional consulting reputation when such withholding orders are served upon clients. The court grants the request to stay service of the garnishment orders on the following conditions: (a) Respondent must immediately pay the \$3,100 withheld support; and (2) Respondent pays \$5,000 to the State Disbursement Unit each month to be received on or before the 5th day of the month until further order of the court or Maria's emancipation. Should respondent fail to satisfy these conditions the Agency may apply ex-parte for an order of immediate garnishment.

13. 10:30 AM Case: CV30307 [S] COUNTY OF CALAVERAS v Cxxx
Type: SUM'S & COMPL. RE PARENTAL OBL Date Filed: 02/06/04
Event: REVIEW ON SEEK WORK EFFORTS/PAYMENTS &
OSC RE CONTEMPT

Tentative Ruling: There is no Tentative Ruling on this case. The defendant, and their legal counsel if represented, must appear.

END OF MORNING CALENDAR